



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent Application of

Norio NAGATSUKA et al.

Serial No.: **09/701,254**

Filed: November 27, 2000

Art Unit: **3661**

Examiner: Marc McDieunel

Confirmation No. 7973

For: ROBOT DEVICE, CONTROL METHOD FOR ROBOT
DEVICE, AND PROGRAM RECORDING MEDIUM

REQUEST FOR WITHDRAWAL OF FINAL OFFICE ACTION

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

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OCT 21 2003

GROUP 3600

Applicant, seeking review of the prematureness of the final rejection of September 29, 2003, respectfully requests reconsideration of the finality of the Final Office Action dated September 29, 2003 for the reasons set forth hereinbelow. See M.P.E.P. §706.07(c).

The "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement." M.P.E.P. §706.07(a).

The non-final Office Action mailed on April 10, 2003 indicated that claims 2, 4-8, 10-12, 14, 16-22, 24, 26-32, 34, 36-40, 42-44, 46, 48-54, 56, 58-64, 68, 70-71, 75, 77, 81-83, 85-86, 89 and 92-104 contain allowable subject matter. Appreciation is expressed for the indication of allowable subject matter.

Within the Amendment under 37 C.F.R. §1.111 filed on July 3, 2003, claims 85-86, 88-89 and 91-92 have been placed into independent form.

However, page 3 of the Final Office Action dated September 29, 2003 includes a rejection of claim 89 that was neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement.

"If, on request by applicant for reconsideration, the primary examiner finds the final rejection to have been premature, he or she should withdraw the finality of the rejection." M.P.E.P. 706.07(d).

Withdrawal of the final rejection made within the Final Office Action of September 29, 2003 is respectfully requested.

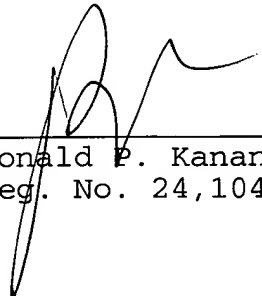
If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is

requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753 or the undersigned attorney at the below-listed number.

Respectfully submitted,

DATE: October 17, 2003

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